



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CNC
F. #2013R00948

610 Federal Plaza
Central Islip, New York 11722

March 11, 2014

By Hand and ECF

Randi Chavis, Esq.
Federal Defenders of New York, Inc.
700 Federal Plaza
Central Islip, NY 11722

Re: United States v. Philip Kenner
Criminal Docket No. 13-607 (JFB)

Dear Ms. Chavis:

Enclosed please find a proposed plea agreement, which constitutes a plea offer that must be communicated to your client promptly. Missouri v. Frye, 132 S. Ct. 1399, 1408 (2012); see also N.Y. Rules of Prof'l Conduct R. 1.4(a)(1)(iii). This proposed plea agreement contains all the terms of the government's plea offer, and it supersedes any prior plea offers that may have been made. This plea offer expires after May 30, 2014, and may be revoked by the government, in its sole discretion, at any time before its expiration. If your client rejects the plea offer and is convicted after trial, your client's sentencing exposure under the relevant statutes and Sentencing Guidelines is likely to be higher after trial than if the proposed plea agreement were to be entered.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/Carrie N. Capwell
Carrie N. Capwell
Assistant U.S. Attorney
(631) 715-7836

Enclosure

cc: Clerk of the Court (JFB)(Via ECF without enclosure)